

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**FILED**  
U S DISTRICT COURT  
MIDDLE DISTRICT OF TENN  
MAR 27 2008

NORTHWOOD INDUSTRIAL  
MACHINERY, INC. and BEHROUZ  
ALIZADEH-RAD a/k/a BEN RAD,

Plaintiffs

v.

ROBERT F. ALSUP, JR.,

Defendant

No. 3:07-1263

Judge Echols/Brown

DEPUTY CLERK

**CASE MANAGEMENT ORDER**


Pursuant to the joint proposal of the parties, and after review by the Court, the following is entered:

- a. The jurisdiction of the Federal Court is invoked on the basis of diversity of citizenship and the Plaintiffs' claim in excess of \$75,000. Jurisdiction is not disputed. Venue is not disputed.
- b. Plaintiffs filed their complaint December 19, 2007. Defendant filed his waiver of service of process on January 18, 2008. Defendant filed a Motion to Dismiss Count II of the Complaint on March 3, 2008. An Agreed Order dismissing Count II of the Complaint was entered by the Court on March 13, 2008.
- c. Plaintiffs allege that Defendant made certain statements to a customer of Plaintiff Northwood Industrial Machinery, Inc. that constitute slander per se. Plaintiffs seek compensatory and punitive damages. Defendant Alsup denies that he made the statements as alleged. Defendant Alsup denies that the Plaintiffs have suffered any damages.

- d. The issues in dispute are whether the Defendant made the statements as alleged and, if any statements constituting slander were made to what damages, if any, Plaintiffs are entitled.
- e. Motions to amend the pleadings, including counterclaims, shall be filed on or before September 22, 2008.
- f. Dispositive Motions are due on or before December 5, 2008. Response memoranda to dispositive Motions are due on or before January 5, 2009. Reply memoranda are due January 15, 2009. Briefs in support of and in response to any dispositive Motion shall be limited to 25 pages; any Reply memoranda shall be limited to 10 pages..
- g. Discovery deadlines are:
  - a. Initial disclosures as required by Fed. R. Civ. P. 26(a)(1) will be completed within 14 days after the Initial Case Management Conference.
  - b. Local Rule 9(a)(2) is expanded to allow 30 interrogatories including subparts. This limitation does not include interrogatories propounded for the purpose of eliciting information regarding electronic discovery.
  - c. Non-expert depositions shall be limited to eight per side.
  - d. The discovery cut-off is November 7, 2008. Discovery related motions are due on or before November 14, 2008.
  - e. Neither party anticipates the need for any expert witnesses at this time.

- h. Electronic discovery shall be governed by Administrative Order 174 except as may otherwise agreed to by the parties and approved by the Court.
- i. The parties will consider the merits of alternative dispute resolution ("ADR") or a case management settlement conference and submit a report to the Court on or before October 20, 2008.
- j. All motions, requests for admissions or other filings that require a response must be filed sufficiently in advance of the discovery cut-off date to enable opposing counsel to respond by the time permitted by the Rule.
- k. The parties are reminded that they must conduct a telephone conference with the Magistrate Judge before filing any discovery dispute motions.
- k. The parties anticipate that this jury trial will last approximately 3 days. This is case is set for trial on **April 21, 2009, at 9:00 a.m.**, and the pretrial conference is set with the District Judge for **1:00 p.m. on March 23, 2009.**
- l. The parties do not consent to a trial before the Magistrate Judge.

**IT IS SO ORDERED.**

/s/   
Joe B. Brown  
United States Magistrate Judge